REMARKS

   The April 20, 2004 Office Action indicated that applicants' amendment filed on January 20, 2004 does not comply with the requirements of 37 C.F.R. §1.121(c) because it failed to provide a listing of all claims with their appropriate status.

   Applicants respectfully traverse. The response filed on January 20, 2004 contained an amendment to the specification to comply with Sequence Listing requirements. The January 20, 2004 response did not contain an amendment to the claims. Applicants are unaware of any rule that requires the submission of a listing of all claims with their appropriate status in the case where a response does not include an amendment to the claims.

   Nevertheless, in order to expedite prosecution of the subject application, enclosed below is a listing of all claims with their appropriate status.

Listing of Claims:

Claims 1, 2, 6, 8, 9, 29, and 30 are pending and under consideration in the subject application.

1. (Previously presented) A method for detecting the presence or absence of breast cancer in a non-lactating subject, comprising determining whether or not mammary gland sodium/iodide symporter (mgNIS) is expressed in breast tissue of the subject, wherein

expression of mgNIS in the breast tissue is detected using an antibody, or a fragment thereof, specific for mgNIS, and

expression of mgNIS in the breast tissue is indicative of the presence of breast cancer in the subject, and no expression of mgNIS in the breast tissue is indicative of the absence of breast cancer in the subject.

2. (Original) The method of Claim 1, wherein the expression of mgNIS is detected *in vitro* or *in vivo*.

3-5. (Canceled)

6. (Previously presented) The method of Claim 1, wherein the antibody is labeled with a detectable marker.

7. (Canceled)

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8. (Previously presented) The method of claim 30, wherein the nucleic acid probe is DNA.

9. (Previously presented) The method of Claim 30, wherein the nucleic acid probe is labeled with a detectable marker.

10-28. (Canceled)

29. (Previously presented) The method of claim 30, wherein the nucleic acid probe is RNA.

30. (Previously presented) A method for detecting the presence or absence of breast cancer in a non-lactating subject, comprising determining whether or not mammary gland sodium/iodide symporter (mgNIS) is expressed in breast tissue of the subject, wherein

expression of mgNIS in the breast tissue is detected *in vitro* using at least one nucleic acid probe that specifically hybridizes to nucleic acid encoding mgNIS, and

expression of mgNIS in the breast tissue is indicative of the presence of breast cancer in the subject, and no expression of mgNIS in the breast tissue is indicative of the absence of breast cancer in the subject.

CONCLUSIONS

In view of the above remarks and listing of claims, applicants respectfully request withdrawal of the objections set forth in the April 20, 2004 Office Action.

In light of the amendments and remarks submitted in the response filed on January 20, 2004, applicants respectfully request withdrawal of the objections and rejections set forth in the December 16, 2003 Office Action, and passage of pending claims 1, 2, 6, 8, 9, 29, and 30 to allowance.

If there are any minor matters that would prevent allowance of the claims, applicants request that the Examiner telephone the undersigned attorney.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

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